

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MELINA RAZAVI,
Plaintiff,

v.

BENDORF DR. APTS., et al.,
Defendants.

Case No. 16-cv-01388-BLF

**ORDER STRIKING REQUESTS FOR
JUDICIAL NOTICE**

On January 12, 2017, Defendants Santa Clara County Housing Authority and Bendorf Dr. Apartments filed two requests for judicial notice of Plaintiff Melina Razavi's vexatious litigant status. ECF 25, 26. These two requests are identical to a prior request for judicial notice that the Court has already struck. ECF 23, 24. In these requests for judicial notice, Defendants also request that the proceedings be stayed pursuant to California Code of Civil Procedure section 391.7(c). However, section 391.7(c) is a state statute designed to protect California state courts from vexatious litigation and does not apply to federal court proceedings in this District. *See Donovan v. City of Dallas*, 377 U.S. 408, 412 (1964); *Johnson v. Univ. Hous.*, No. 2:06-628, 2007 WL 4303728, at *12 (S.D. Ohio Dec. 10, 2007). The Court thus DENIES the request to stay the action on this basis.

The Court further DENIES the requests for judicial notice because they were not filed with an underlying motion or a request for relief. The notices filed thus have no force or effect here. If Defendants seek to stay this action or an order declaring Plaintiff a vexatious litigant, Defendants need to file a noticed motion in accordance with Civ. L.R. 7-2.

IT IS SO ORDERED.

Dated: January 13, 2017


BETH LABSON FREEMAN
United States District Judge